

CHAPTER 152: FLOOD DAMAGE PREVENTION

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GENERAL PROVISIONS

§ 152.01 TITLE.

This chapter shall be known as the flood damage prevention ordinance.
(Ord. 90-12, passed 5-14-90)

§ 152.02 PURPOSE AND OBJECTIVES.

It is the purpose of this chapter to regulate the use of those areas subject to periodic flooding, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions. In advancing these principles and the general purposes of the Comprehensive Plan, the specific objectives are:

- (A) To promote the general health, welfare and safety of the city.
 - (B) To prevent the establishment of certain structure and land uses unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards.
 - (C) To minimize the need for rescue and relief efforts associated with flooding.
 - (D) To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions.
 - (E) To minimize damage to public facilities and utilities located in flood hazard areas. Buyers are notified that property is in a flood area.
 - (F) To insure that potential home and business buyers are notified that property is in the flood area.
- (Ord. 90-12, passed 5-14-90)

§ 152.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AREA OF SHALLOW FLOODING. A designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides; except that below-grade crawlspaces that comply with the standards in FEMA Technical Bulletin 11-01 and the building code shall not be considered basements. Citizens are hereby advised that an approved below grade crawlspaces will increase the cost of flood insurance and cause an additional charge to be added to the basic policy premium

BREAKAWAY WALLS. Any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building materials which are not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. (Am. Ord. 18-06, passed 5-28-18)

COASTAL HIGH HAZARD AREA. An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone VE or V.

CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (Am. Ord. 18-06, passed 5-28-18)

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials located within the area of special flood hazard.

ELEVATED BUILDING. For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns. (Am. Ord. 18-06, passed 5-28-18)

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones for those areas. (Am. Ord. 18-06, passed 5-28-18)

FLOOD INSURANCE STUDY. The official report in which the Federal Insurance Administrator has provided flood profiles, as well as the Flood Hazard Boundary - Floodway Map and the water surface elevation of the base flood. (Am. Ord. 18-06, passed 5-28-18)

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (Am. Ord. 18-06, passed 5-28-18)

HIGHWAY READY. Refers to a recreational vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

LOWEST FLOOR (Except Manufactured Homes). The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found in Section 152.20(E) (i.e. provided there are adequate flood ventilation openings).

LOWEST FLOOR MANUFACTURED HOME. The floor of the lowest enclosed area of a manufactured dwelling. For the purpose of this code, lowest floor shall mean the bottom of the longitudinal chassis frame beam in A, AE, & AO zones, and the bottom of the lowest horizontal structural member supporting the home in V & VE zones. An unfinished or flood-resistant enclosure, used solely for vehicle parking, home access or limited storage, shall not be considered

the lowest floor, provided the enclosed area is not constructed so as to render the home in violation of the flood-related provisions of this code. (Am. Ord. 18-06, passed 5-28-18)

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include a **RECREATIONAL VEHICLE**.

MEAN SEA LEVEL (MSL). The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations were referenced on prior Flood Insurance Rate Maps. Elevations are now based on North American Vertical Datum of 1988 (NAVD88).

NEW CONSTRUCTION. Structures for which the **START OF CONSTRUCTION** commenced on or after the effective date of this ordinance.

NEW MANUFACTURED HOME PARK or **MANUFACTURED HOME SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more lots for the rent or sale for which the construction of the facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

PERMANENT FOUNDATION. A natural or manufactured support system to which a structure is anchored or attached. A permanent foundation is capable of resisting flood forces and may include posts, piles, poured concrete or reinforced block walls, properly compacted fill, or other systems of comparable flood resistivity and strength.

RECREATION VEHICLE. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and primarily designed as temporary living quarters for camping, travel, or seasonal use.

REINFORCED PIER. A minimum, a reinforced pier must have a footing adequate to support the weight of the manufactured home under saturated soil conditions. Concrete blocks may be used if vertical steel reinforcing rods are placed in the hollows of the blocks and the hollows are filled with concrete or high strength mortar. Dry stacked concrete blocks do not constitute reinforced piers.

SPECIAL FLOOD HAZARD AREA (SFHA). Areas subject to inundation from the waters of a 100-year flood.

START OF CONSTRUCTION. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement rehabilitation, addition or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction on a site, such as the pouring of slab or footings, when piles are installed or columns are constructed, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial

improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Am. Ord. 18-06, passed 5-28-18)

STRUCTURE. A walled and roofed building, a manufactured home, a modular or temporary building, and a gas or liquid storage tank, that is principally above ground. (Am. Ord. 18-06, passed 5-28-18)

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to it's before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or if the structure is being restored, before the damage occurred. (Am. Ord. 18-06, passed 5-28-18)

SUBSTANTIAL IMPROVEMENT is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include:

(1) Any project for improvement to comply with state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are necessary to ensure safe living conditions; or

(2) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places provided that the alteration will not preclude the structure's continued designation as a "historic structure." (Am. Ord. 18-06, passed 5-28-18)

VARIANCE. A grant of relief to a person from the requirements of this chapter in a manner that would otherwise be prohibited by this chapter. (Ord. 90-12, passed 5-14-90)

WET FLOODPROOFING. Permanent or contingent measures applied to a structure and/or its contents that prevent or provide resistance to damage from flooding by allowing water to enter the structure as explained in FEMA Technical Bulletin 7-93.

§ 152.04 LAND TO WHICH PROVISIONS APPLY.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. (Ord. 90-12, passed 5-14-90)

§ 152.05 ESTABLISHMENT OF FLOOD ZONES.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clatsop County Oregon and Incorporated Areas, Volume 1 & 2, dated June 20, 2018, with accompanying Flood Insurance Rate Maps are hereby adopted by reference and formally recognized by the city for regulatory purposes under this ordinance. The Flood Insurance Study and FIRM are on file at 989 Broadway. When base flood elevation data is not provided (Zones A and V); the best available

information for flood hazard area identification, as outlined in Section 152.37, shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 152.37. (Am. Ord. 18-06, passed 5-28-18)

§ 152.06 COMPLIANCE REQUIRED.

No structure or land shall hereafter be used and no structure shall be located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. 90-12, passed 5-14-90)

§ 152.07 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

- (A) Considered as minimum requirements.
- (B) Liberally construed in favor of the city.
- (C) Deemed neither to limit nor repeal any provisions of other city ordinances. (Ord. 90-12, passed 5-14-90)

§ 152.08 WARNING AND DISCLAIMER OF LIABILITY.

(A) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.

(B) This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create a liability on the part of the city or by an officer, or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 90-12, passed 5-14-90)

§ 152.09 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 90-12, passed 5-14-90)

***PROVISIONS FOR FLOOD HAZARD
REDUCTION***

§ 152.20 GENERAL STANDARDS.

In all areas of special flood hazards as presented on the FIRM, the following standards shall apply for all new construction and substantial improvements.

(A) *Anchoring.*

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (a) Over-the-top ties be provided at each end of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.
 - (b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.
 - (c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (d) Additions to the manufactured homes be similarly anchored.
- (3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles an hour or greater. Certification must be provided to the Building Official that this standard has been met.

(B) *Construction materials and methods.*

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(C) *Utilities.*

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) *Mechanical and utility equipment.* Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(E) *Use of openings in enclosures below a structure's lowest floor.* For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Regardless of the design method, below-grade crawlspaces that comply with the standards in FEMA Technical Bulletin 11-01 and the building code shall not be considered basements. Citizens are hereby advised that an approved below grade crawlspaces will increase the cost of flood insurance and cause an additional charge to be added to the basic policy premium

(F) *Subdivision proposals.*

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be provided for subdivision proposals and other proposed developments greater than 50 lots or five acres, whichever is less.

(G) *Review of building permits.* Where base flood elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, and the like, where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

(Ord. 90-12, passed 5-14-90)

(H) *Critical Facility Additional Restrictions.* Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access

routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(Am. Ord. 18-06, passed 5-28-18)

§ 152.21 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 152.05, Establishment of Flood Zones, or § 152.37, Use of Available Flood Data, the following provisions are required:

(A) *Residential construction.* New construction or substantial improvement of any residential structure (other than a manufactured home) shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed in accordance with Section 152.20 (E).

(B) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below this level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in § 152.38(B) (2). Structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 152.20 (E). Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below).

(Am. Ord. 18-06, passed 5-28-18)

(C) *Manufactured homes.* All manufactured homes to be placed or substantially improved within Zones AO and AE shall be elevated on a permanent foundation such that the lowest floor (bottom of the longitudinal chassis frame beam) of the manufactured home is elevated at or above the base flood elevation; however, they are subject to any greater or lesser restriction indicated in the adopted Oregon Manufactured Dwelling Installation Specialty Code, provided the lowest floor (as defined herein) is elevated above the base flood elevation.

(Am. Ord. 18-06, passed 5-28-18)

(1) Manufactured homes shall be securely anchored to an adequately anchored foundation system, in accordance with § 152.20(A) (2) or (3).

(D) Recreational vehicles placed on sites are required to either:

(1) Be on the site for fewer than 180 consecutive days, or

(2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(3) Meet the manufactured home elevation requirements in Section 152.21 (C) and

anchoring requirements in Section 152.21 (C) (1).
(Am. Ord. 18-06, passed 5-28-18)

§ 152.22 COASTAL HIGH HAZARD AREA.

Coastal high hazard areas (V & VE Zones) are located within the areas of special flood hazard established in § 152.05. These areas have special flood hazards associated with high velocity waters from tidal surges and, therefore, the following provisions shall apply:

- (A) All building or structures shall be located land-ward of the reach of mean high tide.
- (B) All new construction and substantial improvements in V & VE Zones (including manufactured homes) shall be elevated on pilings and columns so that:
(Am. Ord. 18-06, passed 5-28-18)
 - (1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level.
 - (2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind loading shall be based on the structural specialty code adopted by the City of Seaside and water loading values shall each have a 1% chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (1) and (2) of this section.
- (C) . There shall be no fill used for structural support.
- (D) All manufactured homes are still subject to any greater restriction indicated in the adopted Oregon Manufactured Dwelling Installation Specialty Code.
(Am. Ord. 18-06, passed 5-28-18)
- (E) Compliance with provisions of § 152.22(B), (C), (D), and (H) shall be certified to by a registered professional engineer or architect.
- (F) Recreational vehicles placed on sites are required to meet the provisions of 152.21 (D) 1 or 2.
- (G) There shall be no alteration of sand dunes which would increase potential flood damage.
- (H) All new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. A breakaway wall shall have a design safe

loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- (1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (I) If breakaway walls are utilized, such enclosed space shall not be used for human habitation and can only be used for parking of vehicles, building access, or storage.
- (J) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Building Official for approval.
- (K) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this chapter shall not enclose the space below the lowest floor unless breakaway walls are used as provided in § 152.22(H) and (I).
(Ord. 90-12, passed 5-14-90; Am. Ord. 91-02, passed 1-11-91)
- (L) An elevation shall be obtained (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The building official shall maintain a record of all such information.

§ 152.23 SPECIFIC STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONE).

In all areas of special flood hazards designated as areas of shallow flooding, the following provisions shall apply:

- (A) New construction and substantial improvements of residential structures (other than a manufactured home) within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- (B) Manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, at or above the depth number specified on the FIRM (at least two feet if no depth number is specified) & subject to the provision in Section 152.21(C). (Am. Ord. 18-06, passed 5-28-18)
- (C) New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent

grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

(2) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 152.21(B).

(D) Adequate drainage paths around structures on slopes to guide flood-waters around and away from proposed structures are required.

(E) Recreational vehicles placed on sites are required to meet the provisions of 152.21 (D) 1 or 2.

(Ord. 90-12, passed 5-14-90; Am. Ord. 91-02, passed 1-11-91;)

152.24 BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. (Am. Ord. 18-06, passed 5-28-18)

§ 152.25 FLOODWAYS.

Located within areas of special flood hazard established in § 152.05 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood water which carry debris, potential projectiles, erosion potential, the following provisions apply:

(A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) If division (A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § 152.21, Specific Standards.

(Ord. 90-12, passed 5-14-90)

ADMINISTRATION

§ 152.35 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required before construction or development begins within any area of special flood hazard established in Section 152.05 in conformance with the provisions of this section. The permit shall be for all structures including manufactured homes, as set forth in the definitions in § 152.03 and for all other developments including fill and other activities, also as set forth in the definitions. Application for a Floodplain Development

Permit shall be made to the Floodplain Administrator on forms furnished by him\her and shall specifically include the following information: (Am. Ord. 18-06, passed 5-28-18)

(A) Elevation in relation to North American Vertical Datum of 1988 (NAVD88) of the lowest floor (including basement) of all new construction or substantial improvement; except in AO zones where the elevation must be based on the highest adjacent grade.

(Am. Ord. 18-06, passed 5-28-18)

(B) Elevation in relation to North American Vertical Datum of 1988 (NAVD88) for any nonresidential structure that is being flood proofed. (Am. Ord. 18-06, passed 5-28-18)

(C) Certification by a registered professional engineer or architect that any nonresidential flood proofed structure meets the floodproofing criteria in § 152.21(B).

(D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. 90-12, passed 5-14-90)

§ 152.36 DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR.

The Planning Director is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

The duties of the Floodplain Administrator shall include, but not be limited to the following: (Am. Ord. 18-06, passed 5-28-18)

(A) Review all applications to determine that the permit requirements of this chapter have been satisfied.

(B) Review all applications to insure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(C) Review all applications in the area of special flood hazard to determine if the proposed development adversely affects the flood carrying capacity of the area.

(Ord. 90-12, passed 5-14-90)

(D) Review all applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provision of Section 152.25 (A) are met.

(E) Submit New Technical Data: Notify FEMA within six months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Revision (LOMR). (Am. Ord. 18-06, passed 5-28-18)

§ 152.37 USE OF AVAILABLE FLOOD DATA.

The Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A

comply with §§ 152.21, Specific Standards, and Section 152.25, Floodways.
(Ord. 90-12, passed 5-14-90, Am. Ord. 18-06, passed 5-28-18)

**§ 152.38 INFORMATION TO BE OBTAINED
AND MAINTAINED BY FLOODPLAIN ADMINISTRATOR.**

(Am. Ord. 18-06, passed 5-28-18)

(A) Obtain and record the actual elevation (in relation to NAVD88 of the lowest floor (including basement) of all new or substantially improved structures; except in AO zones where the elevation must be based on the highest adjacent grade.

(B) For all new or substantially improved flood proofed structures:

(1) Verify and record the actual elevation (in relation to NAVD88); and

(2) Maintain the floodproofing certifications required in § 152.35(C).

(C) Maintain for public inspection all records pertaining to the provisions of this chapter.

(D) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored-pilings or columns in order to withstand velocity waters.

(Ord. 90-12, passed 5-14-90)

§ 152.39 ALTERATION OF WATERCOURSES.

The Floodplain Administrator shall: (Am. Ord. 18-06, passed 5-28-18)

(A) Notify adjacent communities and the Oregon Department of Land Conservation and Development (DLCD) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(B) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(Ord. 90-12, passed 5-14-90)

§ 152.40 INTERPRETATION OF FIRM BOUNDARIES.

The Floodplain Administrator shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretations as provided in this chapter.

(Ord. 90-12, passed 5-14-90, Am. Ord. 18-06, passed 5-28-18)

§ 152.41 APPEALS AND VARIANCE PROCEDURES.

(A) The Planning Commission as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of this chapter.

(C) Those aggrieved by the decision of the Planning Commission or any taxpayer, may appeal such decision to the County Circuit Court, as provided by state law.

(D) Variances shall be issued in accordance with Code of Federal Regulations Title 44 (Title 44 CFR) Section 60.6, any applicable amendment thereto, and procedures outlined by the city.

(E) Authorization of a variance shall be void after six months unless the new construction, substantial improvement or approved activity has taken place. However, the Planning Commission may, at its discretion, extend authorization for an additional six months upon request.

(Ord. 90-12, passed 5-14-90)

§ 152.99 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by imprisonment for a period not to exceed 180 days or by a fine not to exceed \$500 or both. The imposition of a penalty does not relieve a person of the duty to comply with this chapter.

(Ord. 90-12, passed 5-14-90)